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Attorney for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JON M. MCCREARY, Individually and on
Behalf Of All Others Similarly Situated;

Plaintiff,

v.

CELERA CORPORATION, KATHY P.
ORDOÑEZ, WILLIAM G. GREEN,
RICHARD H. AYERS, JEAN-LUC
BELINGARD, GAIL K. NAUGHTON,
WAYNE I. ROE, PETER BARTON HUTT,
BENNETT M. SHAPIRO, QUEST
DIAGNOSTICS INCORPORATED, and
SPARK ACQUISITION CORPORATION

Defendants.

Case No.: 3:11-cv-1618-SC

**PLAINTIFF JON M. MCCREARY'S
NOTICE OF VOLUNTARY
DISMISSAL OF CLASS ACTION
COMPLAINT WITHOUT
PREJUDICE**

Judge: Honorable Samuel Conti

Ctrm: 1-17th Floor San Francisco

Date Action Filed: April 8, 2011

1 PLEASE TAKE NOTICE that Plaintiff JON M. MCCREARY ("Plaintiff"), pursuant to
2 Federal Rule of Civil Procedure 41(a)(1), hereby voluntarily dismisses this action and all claims
3 in this action, without prejudice, as to all Defendants.

4 **Federal Rule of Civil Procedure 41(a)(1) provides, in pertinent part:**

5 **(a) Voluntary Dismissal.**

6 **(1) By the Plaintiff.**

7 (A) Without a Court Order. Subject to Rules 23(e), 23.1(c), 23.2, and 66 and any
8 applicable federal statute, the plaintiff may dismiss an action without a court order by
9 filing:

10 (i) A notice of dismissal before the opposing party serves either an answer or
11 motion for summary judgment

12 * * *

13 Defendant has been served with the Complaint but no defendant has answered Plaintiff's
14 Complaint, nor has any defendant filed a motion for summary judgment. Accordingly, this
15 matter may be dismissed without prejudice and with an Order of the Court, and that dismissal is
16 hereby requested.

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19 Dated: February 11, 2013

FARUQI & FARUQI, LLP

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21 By: 

DAVID E. BOWER (119546)

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26 *Attorney for Plaintiff Jon M. McCreary*
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Mailing Information for a Case 3:11-cv-01618-SC

Electronic Mail Notice List

The following are those who are currently on the list to receive e-mail notices for this case.

- **David Eldridge Bower**
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Manual Notice List

The following is the list of attorneys who are **not** on the list to receive e-mail notices for this case (who therefore require manual noticing). You may wish to use your mouse to select and copy this list into your word processing program in order to create notices or labels for these recipients.

- (No manual recipients)